

REMARKS

In the Office Action dated April 28, 2009, a Restriction Requirement was issued requiring Applicants to make an election between the inventions of Group I, claims 16-18, drawn to a method for migrating data from a source to a target datastore, classified in class 705, subclass 50 or Group II, claims 22-24, drawn to a method for checking a populated datastore for a source user authenticator, classified in class 707, subclass 1. Group I was identified by the Office Action as a combination and group II as a subcombination.

Status of the Claims

Claims 16-18 are currently withdrawn.

Claims 22-24 are currently amended.

Claim 25-35 are new.

Claims 1-15 and 19-21 canceled.

Applicant Initiated Interview

Applicants thank Examiner Cristina Sherr for her time and consideration of the arguments presented in the telephone interview on May 19, 2009. In the interview the Applicants pointed out that elements identified by the Restriction Requirement as being limitations of claims 22-24 were in fact not recited in claims 22-24. Examiner Sherr admitted that it appeared that the Restriction Requirement contained errors, but did not provide any additional rationale as to why claims 22-24 were a subcombination to support the Restriction Requirement.

Election

In response to the Restriction Requirement, Applicants hereby elect to prosecute the invention of Group II, claims 22-24, drawn to a method for checking a populated datastore for a source user authenticator, classified in class 707, subclass 1.

This election is made **WITH TRAVERSE**. Applicants note that the Restriction Requirement stated that claims 22-24 were “drawn to a method for checking a populated datastore for a source user authenticator.” However, claims 22-24 do not recite “checking a populated datastore,” but rather recite a “method for populating password data to a target datastore of a target user authenticator after migration from a source user authenticator having a source datastore, while also responding to user requests for information.” The phrase “checking a populated datastore” is not found within any of claims 22-24. Furthermore, the word “checking” is not found within any of claims 22-24. MPEP 806.05(c) states that “[t]o support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary.” Since the Restriction Requirement mischaracterizes claims 22-24 and since the only reason articulated were based on an incorrect characterization of claims 22-24, the Restriction Requirement requiring election between Group I, claims 16-18, and Group II, claims 22-24, is improper. Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn and that unelected claims 16-18 from Group I be rejoined. Applicants reserve the right to file one or more divisional applications directed to the subject matter defined by the unelected Group I, claims 16-18, drawn to a method for migrating data from a source to a target datastore, classified in class 705, subclass 50.

Claim Amendments

Claims 22-24 have been amended to replace the word “password” with the phrase “user authentication data.” Claim 22 has also been amended to correct improper antecedent basis issues. These amendments are respectfully submitted not to introduce any new matter. Support for these amendments may be found throughout the application as originally filed and at least in paragraph [0026].

New Claims 25-33

Claims 25-33 have been added by this response. Claims 25-33 are respectfully submitted not to introduce any new matter. The limitations in claims 25-33 are substantially similar to limitations previously presented in now canceled claims 1-15. Support for the limitations in claims 25-33 may be found throughout the application as originally filed and at least in paragraphs [0006]-[0010].

Conclusion

Consideration of the foregoing remarks and reconsideration of the application is respectfully requested by Applicants. No new matter is introduced by way of this response. It is believed that the grounds for restriction raised in the Office Action dated April 28, 2009 have been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 21-0765 of Sprint. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,

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